

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 4358	DATE	1/24/2001
CASE TITLE	Donald Savaglio et al. Vs. Thomas Price		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

## Memorandum Opinion and Order

**DOCKET ENTRY:**

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. We defer ruling on the motion to reconsider until we have clarified our jurisdiction. Both plaintiffs and defendant shall comply with LR 81.2 within 14 days.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials  WAH	31 JAN 24 PM 4:10 CLERK'S OFFICE	number of notices	Document Number  10
			JAN 25 2001 date docketed	
			CM docketing deputy initials	
			date mailed notice	
			mailing deputy initials	
Date/time received in central Clerk's Office				

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DOCKETED  
JAN 25 2001

DONALD SAVAGLIO and  
CHARMAINE SAVAGLIO,

Plaintiffs,

vs.

THOMAS PRICE,


Defendant.

No. 00 C 4358

MEMORANDUM OPINION AND ORDER

Plaintiffs sued defendant in state court. When a court document indicated that plaintiffs were citizens of Florida (and after defendant lost on a motion to dismiss), defendant removed the case to this court. Plaintiffs moved to remand and then withdrew the motion. In the meantime, the dismissal issue was revived here.

We cannot get to the dismissal reconsideration, however, unless we have subject matter jurisdiction. Here defendant contends that plaintiffs are and were citizens of Florida, and that is apparently no longer in dispute. But the amount must also exceed \$75,000. The complaint alleges damages in excess of \$50,000, not \$75,000, but that may be due to the peculiarities of Illinois pleading. We direct the parties' attention to Local Rule 81.2. If the amount involved is less than \$75,000, the case must be remanded. We defer ruling on the motion to reconsider until we have clarified our jurisdiction. Both plaintiffs and defendant shall comply with LR 81.2 within 14 days.

  
JAMES B. MORAN  
Senior Judge, U. S. District Court

Jan. 24, 2001.